



Immigration

In 1986, Congress reformed U.S. immigration laws. These reforms, the result of a bipartisan effort, preserved the tradition of legal immigration while seeking to close the door to illegal entry. The employer sanctions provisions, found in section 274A of the Immigration and Nationality Act (INA), were added by the Immigration Reform and Control Act of 1986 (IRCA). These provision further changed with the passage of the Immigration Act of 1990 and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996.

Why Employers Must Verify Employment Eligibility of New Employees

Employment is often the magnet that attracts people to come to or stay in the United States illegally. The purpose of the employer sanctions law is to remove this magnet by requiring employers to hire only individuals who may legally work here: U.S. citizens, noncitizen nationals, lawful permanent residents, and aliens authorized to work.

Form I-9 should be used to verify that people are eligible to work in the United States. Within three days of hiring, employees must produce documents that establish their identity and their eligibility to work in the United States. Employers are required to:

- Have employees fill out their part of Form I-9 when they start work.
- Check documents establishing employees' identity and eligibility to work.
- Properly complete the balance of Form I-9.
- Retain the Form for at least three years (if the person is employed for more than three years), and for one year after the person leaves employment.
- Present the Form for inspection by an INS or US Department of Labor (USDOL) officer, upon request. Employers will be given at least three days advance notice.

Preventing Discrimination

The anti-discrimination provision of the Immigration and Nationality Act (INA), as amended, prohibits four types of unlawful conduct:

1. Unfair documentary practices during the Form I-9 process;
2. Citizenship or immigration status discrimination;
3. National origin discrimination;
4. Retaliation or intimidation

The Department of Justice's Civil Rights Division, Immigrant and Employee Rights Section (IER), enforces this law. For more information, refer to the [Handbook for Employers – Guidance for Completing Form I-9](#).

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Identity Documents

Documents that establish identity for individuals 16 years of age and older:

- State-issued driver's license or state-issued identification card containing a photograph. If the driver's license or identification card does not contain a photograph, identifying information should be included such as name, date of birth, sex, height, color of eyes, and address
- School identification card with photograph
- Voter's registration card

For individuals under age 18, who cannot produce one of the documents listed above:

- School record or report card
- Doctor or hospital record
- Daycare or nursery school record

If the individual under age 18, who cannot produce one of the documents listed above, they may establish identity by completing Form I-9 as shown below. The minor must still provide a document from List C to establish work authorization. For more information about completing the I-9 form, refer to the [Handbook for Employers – Guidance for Completing Form I-9](#).

| Section 1. Employee Information and Attestation (Employees must complete and sign Section 1 of Form I-9 no later than the first day of employment, but not before accepting a job offer.) | | | | |
|--|---|--|--|--|
| Last Name (Family Name) Adams | First Name (Given Name) John | Middle Initial A | Other Last Names Used (if any) N/A | |
| Address (Street Number and Name) 123 2nd Street | | Apt. Number 1 | City or Town Braintree | State MA |
| ZIP Code 20002 | | | | |
| Date of Birth (mm/dd/yyyy) 10/30/1984 | U.S. Social Security Number 123-45-6789 | Employee's E-mail Address jadams@email.com | | Employee's Telephone Number 202-111-2222 |
| <small>I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.</small> | | | | |
| <small>I attest, under penalty of perjury, that I am (check one of the following boxes):</small> | | | | |
| <input checked="" type="checkbox"/> 1. A citizen of the United States | | | | |
| <input type="checkbox"/> 2. A noncitizen national of the United States (See instructions) | | | | |
| <input type="checkbox"/> 3. A lawful permanent resident (Alien Registration Number/USCIS Number): _____ | | | | |
| <input type="checkbox"/> 4. An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy): _____ <small>Some aliens may write "N/A" in the expiration date field. (See instructions)</small> | | | | |
| <small>Aliens authorized to work must provide only one of the following document numbers to complete Form I-9: An Alien Registration Number/USCIS Number OR Form I-94 Admission Number OR Foreign Passport Number.</small> | | | | |
| 1. Alien Registration Number/USCIS Number: _____ OR 2. Form I-94 Admission Number: _____ OR 3. Foreign Passport Number: _____ Country of Issuance: _____ | | | | |
| <div style="border: 1px solid black; padding: 5px; text-align: center;"><small>OR Code - Section 1 Do Not Write in This Space</small></div> | | | | |
| Signature of Employee Individual Under Age 18 | | Today's Date (mm/dd/yyyy) 01/22/2017 | | |
| Preparer and/or Translator Certification (check one): | | | | |
| <input type="checkbox"/> I did not use a preparer or translator. <input checked="" type="checkbox"/> A preparer(s) and/or translator(s) assisted the employee in completing Section 1. <small>(Fields below must be completed and signed when preparers and/or translators assist an employee in completing Section 1.)</small> | | | | |
| <small>I attest, under penalty of perjury, that I have assisted in the completion of Section 1 of this form and that to the best of my knowledge the information is true and correct.</small> | | | | |
| Signature of Preparer or Translator Martha Washington | | Today's Date (mm/dd/yyyy) 01/22/2017 | | |
| Last Name (Family Name) Washington | | First Name (Given Name) Martha | | |
| Address (Street Number and Name) 123 1st Street | | City or Town Charles City | | State VA |
| ZIP Code 20001 | | | | |

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Section 2. Employer or Authorized Representative Review and Verification
 (Employers or their authorized representative must complete and sign Section 2 within 3 business days of the employee's first day of employment. You must physically examine one document from List A OR a combination of one document from List B and one document from List C as listed on the "Lists of Acceptable Documents.")

| | | | | | | |
|---|--|--------------------------------------|---|--|--|--|
| 1 | Employee Info from Section 1 | | Last Name (Family Name) Washington | First Name (Given Name) Martha | M.I. D | Citizenship/Immigration Status 1 |
| 2 | List A Identity and Employment Authorization | | OR | List B Identity | AND | List C Employment Authorization |
| | Document Title | Document Title | Document Title | Document Title | Document Title | Document Title |
| | Individual Under Age 18 | Individual Under Age 18 | Individual Under Age 18 | Social Security Card | Social Security Card | Social Security Card |
| | Issuing Authority | Issuing Authority | Issuing Authority | Issuing Authority | Issuing Authority | Issuing Authority |
| | Social Security Administration | Social Security Administration | Social Security Administration | Social Security Administration | Social Security Administration | Social Security Administration |
| | Document Number | Document Number | Document Number | Document Number | Document Number | Document Number |
| | 123-45-6789 | 123-45-6789 | 123-45-6789 | 123-45-6789 | 123-45-6789 | 123-45-6789 |
| | Expiration Date (if any)(mm/dd/yyyy) | Expiration Date (if any)(mm/dd/yyyy) | Expiration Date (if any)(mm/dd/yyyy) | Expiration Date (if any)(mm/dd/yyyy) | Expiration Date (if any)(mm/dd/yyyy) | Expiration Date (if any)(mm/dd/yyyy) |
| | N/A | N/A | N/A | N/A | N/A | N/A |
| | Document Title | Document Title | Document Title | Document Title | Document Title | Document Title |
| | Issuing Authority | Issuing Authority | Issuing Authority | Issuing Authority | Issuing Authority | Issuing Authority |
| | Document Number | Document Number | Document Number | Document Number | Document Number | Document Number |
| | Expiration Date (if any)(mm/dd/yyyy) | Expiration Date (if any)(mm/dd/yyyy) | Expiration Date (if any)(mm/dd/yyyy) | Expiration Date (if any)(mm/dd/yyyy) | Expiration Date (if any)(mm/dd/yyyy) | Expiration Date (if any)(mm/dd/yyyy) |
| | Document Title | Document Title | Document Title | Document Title | Document Title | Document Title |
| | Issuing Authority | Issuing Authority | Issuing Authority | Issuing Authority | Issuing Authority | Issuing Authority |
| | Document Number | Document Number | Document Number | Document Number | Document Number | Document Number |
| | Expiration Date (if any)(mm/dd/yyyy) | Expiration Date (if any)(mm/dd/yyyy) | Expiration Date (if any)(mm/dd/yyyy) | Expiration Date (if any)(mm/dd/yyyy) | Expiration Date (if any)(mm/dd/yyyy) | Expiration Date (if any)(mm/dd/yyyy) |
| | Additional Information | | | QR Code - Sections 2 & 3 Do Not Write in This Space | | |
| 3 | Certification: I attest, under penalty of perjury, that (1) I have examined the document(s) presented by the above-named employee, (2) the above-listed document(s) appear to be genuine and to relate to the employee named, and (3) to the best of my knowledge the employee is authorized to work in the United States. | | | | | |
| 4 | The employee's first day of employment (mm/dd/yyyy): 01/22/17 (See instructions for exemptions) | | | | | |
| 5 | Signature of Employer or Authorized Representative | | Today's Date(mm/dd/yyyy) | | Title of Employer or Authorized Representative | |
| | <i>John Adams</i> | | 01/22/2017 | | HR Supervisor | |
| | Last Name of Employer or Authorized Representative | | First Name of Employer or Authorized Representative | | Employer's Business or Organization Name | |
| | Adams | | John | | Bald Eagle Flags Inc. | |
| | Employer's Business or Organization Address (Street Number and Name) | | | City or Town | State | ZIP Code |
| | 50 States Road | | | Braintree | MA | 20001 |

Documents that establish employment eligibility:

- Original Social Security card
- Original or certified copy of a birth certificate issued by a state, county, or municipal authority bearing an official seal
- Certification of Birth issued by the Department of State (Form FS-545)

Penalties for Prohibited Practices

Employers found to have knowingly hired unauthorized employees, or who continue to employ persons known to be or to have become unauthorized, may be fined as follows:

- *First Violation:* Not less than \$539 and not more than \$4,313 for each unauthorized employee.
- *Second Violation:* Not less than \$4,313 and not more than \$10,781 for each unauthorized employee.
- *Subsequent Violations:* Not less than \$6,469 and not more than \$21,563 for each unauthorized employee.

Q & A about Form I-9

Do United States citizens need to prove they are eligible to work?

- Yes. While United States citizens are automatically eligible for employment, they must provide the required documents and complete Form I-9.

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Do I need to complete an I-9 for everyone who applies for a job with my company?

- No. Employers need to complete I-9s only for people actually hired, where “hired” means when a person begins work.

If someone accepts a job with my company but will not start work for a month, can I complete the I-9 when the employee accepts the job?

- Yes. While the law requires employers to complete the I-9 when the person actually begins working, it can be completed when the person accepts the job.

Do I need to fill out an I-9 for independent contractors or their employees?

- No. For example, employers who contract with another company to provide temporary clerical services do not need to complete I-9s for that company’s employees. The contracting company is responsible for completing I-9s for its own employees. However, employers must not knowingly use contract labor to circumvent the law that prohibits hiring unauthorized workers.

More Information...

Check the Web site of the U.S. Citizenship and Immigration Service regarding immigration issues.

<https://www.uscis.gov/>

INS Customer Service Call Center
1-800-375-5283
1-800-767-1833 (TTY)